

### **Detailed Action**

Applicants' response of 4 February 2010 is acknowledged. Claims 44 and 49 have been canceled. Claims 50-56 are newly presented and made of record.

#### ***Information Disclosure Statement:***

The Information Disclosure statements (IDS) submitted on the 4 February 2010 has been considered. The signed copy is attached.

#### ***Rejoinder of Claims:***

Claim 42 is directed to an allowable method comprising administration of elected species, SEQ ID NO:22. Claims directed to non-elected species, SEQ ID NOs:20 and 27-30 have been considered, as provided by 37 CFR 1.141. Claims 43, and 45-48, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. F.C. Eisenschenk on 29 April 2010.

Claim 42 is amended so that the claim now reads as follows:

42. A method of treating acute liver disease or inflammatory skin disease comprising administering to an individual having acute liver disease or inflammatory skin disease a composition comprising a pharmaceutically acceptable carrier and a polypeptide, said polypeptide:

a) consisting of SEQ ID NO:22;

- b) consisting of SEQ ID NO:20;
- c) comprising SEQ ID NO:29; or
- d) comprising SEQ ID NO:30.

Claims 43, 45, 46, 51 and 52 are canceled

Claim 55 is amended so that the claim now reads as follows:

55. A method of decreasing TNF- $\alpha$  levels or IL-6 levels in an individual comprising the administration of a composition comprising a pharmaceutically acceptable carrier and a polypeptide, said composition being administered in an amount that reduces TNF- $\alpha$  levels or IL-6 levels in said individual and said polypeptide:

- a) comprising SEQ ID NO: 20;
- b) comprising SEQ ID NO: 29;
- c) comprising SEQ ID NO: 30; or
- d) comprising SEQ ID NO: 22; and

wherein said TNF- $\alpha$  or IL-6 levels are determined to be reduced.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHULAMITH H. SHAFER whose telephone number is (571)272-3332. The examiner can normally be reached on Monday through Friday, 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, Ph.D. can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1647

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shulamith H. Shafer/

Examiner, Art Unit 1647

/Gary B. Nickol /

Supervisory Patent Examiner, Art Unit 1646